

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 08 April 2002
 Name of applicant/court: Comptroller of Customs
 Applicant to the Labelling Body: Not Applicable
 Title of Publication: The Beast
 Other Known Titles: La Bête
 Director: Walerian Bokowczyk
 Producer: Anatole Dauman
 Publisher: Not Applicable
 Author: Not Applicable
 Format: DVD
 Country of Origin: France
 Language: French with English subtitles

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Components of film originally examined:

Menu: Play Movie
 Scene Index
 Extra Features

Feature: The Beast Running time: 94.01

Other Moving
 Components: Copyright Warning Notice Running time: 0.10
 Nouveau Pictures Notice 0.08
 La Maree 21.03

Other
 Components: Photo Gallery
 Filmography

Total Running time: 115.22

Excision/Alteration: No Excisions Recommended.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has not been given.

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SUMMARY OF THE REASONS FOR DECISION:

The DVD entitled *The Beast* also known as *La Bête* is classified as:
Objectionable.

This classification is due to the manner in which the publication deals with matters of sex, specifically that it tends to promote and support the exploitation of young persons for sexual purposes.

The DVD contains a main feature entitled *La Bête*, a short feature entitled *La Maree* and additional material relating to the main feature and its director, Walerian Bokowczyk.

The short feature *La Maree* involves a young woman of sixteen years old, whose naivete and sexual inexperience is exploited by her twenty year old cousin who deliberately arranges for them to be trapped by an incoming tide and then manipulates her into engaging in a sexual act with him. The male character's actions are premeditated and clearly designed to take advantage of his position of authority over the girl and his place of trust within the family. The manner in which the feature is filmed and presented encourages the viewer to act as voyeur and to vicariously participate in the young man's exploitation of the girl. These depictions are presented in a salacious manner designed to titillate or sexually arouse the viewer. The girl passively submits to the young man's exploitation of her. The publication therefore tends to promote and support the exploitation of young persons for sexual purposes by encouraging the viewer to be sexually aroused by young persons as sexually desirable and readily available viable and legitimate sexual partners.

Despite its lack of extent in relation to the main feature, the presence of the short feature on the DVD means that the publication as a whole meets the criteria of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993,(FVPC Act) and is therefore deemed to be objectionable. A classification of "objectionable" places a limit on the freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. However, in relation to this publication, the classification is considered to be a reasonable limit prescribed by law that can be demonstrably justified in a free and democratic society. Were the option available, of excising the material falling under s3(2)(a) of the FVPC Act from the DVD, excisions would be recommended to enable the availability of the DVD to an adult audience.

OFLC Ref: 200059